

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

HARRINGTON *et al.*

Appl. No. 09/276,820

Filed: March 26, 1999

For: **Compositions and Methods for
Non-targeted Activation of Endogenous
Genes**

Art Unit: 1632

Examiner: Shukla, R.

Atty. Docket: 1522.0030004/MAC/BJD

Information Disclosure Statement

*Via Hand Carry to Exr. R. Shukla
Art Unit 1632*

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of documents AA1, AD1, AI1, AJ1, AK1, AS1, AA2, AB2, AG2, AH2, AN3-AP3, AL4, AS4, AR6, AS6, AS10, AS11, AS12, AR14, AS15, AT18, AS20, AT20, AS21, AS23, AT23, AR24 and AR25 are submitted herewith. Copies of the remaining documents were cited by or submitted to the Office in Application No. 08/941,223, filed September 26, 1997, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of those documents are not attached. 37 C.F.R. § 1.98(d).

In accordance with 37 C.F.R. § 1.97(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the foreign language document, Ref. No. AO2, cited on the enclosed Form PTO-1449:

Ref. No. AO2, France Patent Office Publication No. FR 2 707 091, is in the French language. This document appears to concern recombinant retroviral vectors for use in cloning,

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expression and/or transfer of an exogenous nucleotide sequence into prokaryotic or eukaryotic host cells, and host cells containing such vectors. An abstract for this document in the English language is cited on the enclosed Form PTO-1449 as Ref. No. AT24. A copy of this abstract was submitted to the Office as Reference No. AS19 in 35 U.S.C. § 120 priority application No. 08/941,223, filed September 26, 1997, and is therefore not included herewith. 37 C.F.R. § 1.98(d).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: August 26, 1999

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